

Summary
Water Pollution Control Board
Indiana Government Center North
Conference Rooms 4&5
Indianapolis, Indiana
Wednesday, July 25, 2012

1. CALL TO ORDER

Chairman Gary Powdrill called the meeting to order at 1:30 p.m. He expressed concerns on whether there was a quorum present. Ms. Deborah Albright began checking to find what the minimum number of board members was needed to have a quorum. A quorum was determined to be present.

Members present: Gary Powdrill; Ken Hedge; Dennis Wene; Erin Crofton; Dave Wagner; Mike Mettler; Pam Fisher; Mike Neyer; Tristan Vance, and Deborah Albright (Legal Counsel).

Present for IDEM: Commissioner Thomas Easterly; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; Nancy King, Branch Chief, Rules Development Section (RDS), Office of Legal Counsel (OLC); Mike Dalton, Section Chief, RDS, OLC; and Kiran Verma, Rulewriter, RDS, OLC.

2. INTRODUCTION OF BOARD MEMBERS

Chairman Powdrill asked the board members to introduce themselves and their affiliations.

3. APPROVAL OF MEETING SUMMARY

Chairman Powdrill called for approval of the May 23, 2012 meeting summary. A motion was made and seconded to accept the May 23, 2012 meeting summary. With a voice vote, the board voted unanimously to approve the May 23, 2012 meeting summary without changes.

4. REPORTS

- Combined Sewer Overflow Long Term Control Plans (LTCP) – Commissioner Thomas Easterly gave an update on the 108 combined sewer overflow communities that needed LTCPs. He indicated that even though 105 of those communities had already signed the paperwork, only 34 of them had completed all of the committed activities.
- State Drought Conditions – Mr. Bruno Pigott spoke about IDEM's role in implementing Indiana's water shortage plan. He noted IDEM's communication with drinking water systems and technical assistance, work with power plants in terms of thermal discharges, and reduced water quality sampling due to drought conditions.
- Antidegradation - Ms. Martha Clark Mettler reported that the antidegradation rule became effective on June 28. She noted that the agency had received the attorney general's certification and sent the rule to the U.S. Environmental Protection Agency (EPA) for review on July 20.
- Chlorides and Sulfate – Ms. Mettler stated that the final chlorides and sulfate rule would become effective on August 6. She explained that the agency is waiting for the attorney general's certification before sending the rule to U.S. EPA for approval.
- Nutrient Criteria for Indiana Lakes – Ms. Mettler reported that the workgroup continues to hold meetings and the next meeting would be in August.
- 303(d) List of Impaired Waters - Ms. Mettler reported that the comment period for the 303(d) list had closed and staff was working through responses to the comments received.

5. RULE ACTIONS

LSA Doc. #10-659 National Pollutant Discharge Elimination System (NPDES) General Permits

Chairman Powdrill opened the public hearing for consideration of preliminary adoption of new rules and amendments to 327 IAC 5 and 327 IAC 15 NPDES General Permit rules. He then introduced Exhibit A, draft rule, into the record of hearing.

Ms. Nancy King spoke for the agency. Ms. King summarized how the Senate Enrolled Act 200 directed the agency to eliminate NPDES general permits by rule and transferred the authority to issue NPDES general permits administratively to the department. She explained that the rulemaking addressed the general permit program authority and updated all NPDES rules to include correct statutory citations and federal minimum requirements.

Chairman Powdrill asked Ms. King several questions about the draft rule language related to industrial storm water permitting issues.

Thereafter, Chairman Powdrill called on public commenters: Mr. Tom Baker, DuPont Danisco; Mr. Bowden Quinn, Conservation Director of Sierra Club, Hoosier Chapter; Mr. Vince Griffin, Indiana Chamber; and Mr. Paul Berebitsky, Indiana Construction Association.

The public hearing concluded and a brief board discussion began.

Mr. Dennis Wene inquired about whether the agency would develop a workgroup to address certain issues. In response, Mr. Pigott assured Mr. Wene that each general permit that is issued by the agency would involve a meeting and possibly workgroups that would include stakeholders to discuss the language for that permit.

The board discussion ended.

Thereafter, Mr. Dave Wagner made a motion for preliminary adoption of the draft rules and Mr. Wene seconded it. With a voice vote, the board voted unanimously to preliminarily adopt the NPDES General Permit rule.

LSA Doc. #11-667 Drinking Water Standards, Ground Water Standards, Disinfectants and Disinfection Rules

Chairman Powdrill opened the public hearing for consideration of final adoption of amendments to 327 IAC 8-2, 327 IAC 8-2.3 and 327 IAC 8-2.5 Disinfectants and Disinfection rules. He then introduced Exhibit B, proposed rule as preliminarily adopted, into the record of hearing.

Ms. Kiran Verma spoke for the agency. Ms. Verma summarized the purpose of the amendments to the Drinking Water Standards, Groundwater Standards and Disinfectants and Disinfection rules. She explained how IDEM was updating the changes made by U.S. EPA to the most recent National Primary Drinking Water Regulations. She further explained what those minor changes included.

The hearing concluded and there was no board discussion.

Mr. Dave Wagner made a motion for the final adoption of the proposed rules and Ms. Erin Crofton seconded it. With a roll call vote, the board voted unanimously for the final adoption of the Disinfectants and Disinfection rules.

LSA Doc. #12-262 Notice of Rules Review that do not expire under Title 327 IC 13-14-9.5-1.1

Chairman Powdrill announced a public hearing for the board to determine whether to direct the agency to open a new rulemaking for any of the rules listed as being exempt from the sunset process. He introduced Exhibit C, list of rules that do not expire under IC 13-14-9.5-1.1, into the record of hearing.

Mr. Mike Dalton spoke for the agency. He discussed the procedures for this rulemaking. He stated that no comments were received.

The public hearing concluded and there was no board discussion.

Mr. Wagner made a motion for the board to take no further action on the listed rules. Mr. Ken Hedge seconded it. With a voice vote, the board voted unanimously to take no further action.

6. OPEN FORUM

No additional issues were brought to the board.

7. ADJOURNMENT

The next meeting is tentatively scheduled for 1:30 p.m. EDT on Wednesday, September 12, 2012, at the Indiana Government Center South Conference Room A. Chairman Powdrill adjourned the meeting at 2:45 p.m.

CHAIRPERSON

The summary is derived from Rules Development Branch staff members' notes. A typewritten transcript of the entire meeting is on file in the Office of Legal Counsel, Indiana Department of Environmental Management. To view approved summaries or minutes, you may go online to <http://www.in.gov/idem/4707.htm>.